United Nations S/PRST/2002/6

Security Council

Distr.: General
15 March 2002

Original: English

Statement by the President of the Security Council

At the 4493rd meeting of the Security Council, held on 15 March 2002, in connection with the Council's consideration of the item entitled "Protection of civilians in armed conflict", the President of the Security Council made the following statement on behalf of the Council:

"The Security Council recalls its resolutions 1265 (1999) of 17 September 1999 and 1296 (2000) of 19 April 2000 on the protection of civilians in armed conflict and the letter of 21 June 2001 from the President of the Security Council to the Secretary-General on the protection of civilians in armed conflict (S/2001/614).

"The Security Council reaffirms its concern at the hardships borne by civilians during armed conflict, and recognizes the consequent impact this has on durable peace, reconciliation and development, bearing in mind its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security, and underlining the importance of taking measures aimed at conflict prevention and resolution.

"Having considered the reports of the Secretary-General of 8 September 1999 (S/1999/957) and of 30 March 2001 (S/2001/331) on the Protection of Civilians in Armed Conflict and welcoming the close cooperation with the Secretary-General in preparing the Aide Memoire attached to this statement, the Security Council adopts the Aide Memoire contained in the annex to the presidential statement as a means to facilitate its consideration of issues pertaining to protection of civilians. The Council further emphasizes the need, when considering ways to provide for the protection of civilians in armed conflict, to proceed on a case-by-case basis, taking into account the particular circumstances.

"The Security Council will review and update the contents of the Aide Memoire as appropriate, and will remain actively seized of the matter."

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ANNEX

AIDE MEMOIRE

FOR THE CONSIDERATION OF ISSUES PERTAINING TO THE PROTECTION OF CIVILIANS DURING THE SECURITY COUNCIL'S DELIBERATION OF PEACEKEEPING MANDATES

In the letter dated 21 June 2001 from the President of the Security Council addressed to the Secretary-General (S/2001/614), the members of the Security Council welcomed the Secretary-General's report of 30 March 2001 (S/2001/331) on the protection of civilians in armed conflict, and were of the view that further advice of the Secretary-General would be useful in the Council's consideration of the issues contained in the report.

In order to facilitate due consideration, whenever appropriate, of issues pertaining to the protection of civilians in its deliberations on the establishment, change, or close of peacekeeping operations, the members of the Council suggested that an *aide memoire* listing those issues that are relevant in this regard be drafted in close cooperation with the Council.

This *aide memoire* is the result of an inter-active consultation between the Security Council and the Secretariat, and comprises the experiences of a wide range of agencies within the United Nations, including the Inter Agency Standing Committee (IASC). The document is based on the Council's previous consideration of these issues, including resolutions 1265 (1999) and 1296 (2000). It highlights primary objectives for Security Council action, offers specific issues for consideration in meeting those objectives, as well as listing previous Security Council resolutions and presidential statements which make reference to such concerns.

Bearing in mind that each peacekeeping mandate has to be designed on a case-by-case basis, the document is not intended as a blueprint. The relevance and practicality of each issue described has to be considered and adapted to the specific conditions in each situation. As highlighted in the Secretary-General's report "No Exit Without Strategy" (S/2001/394), the Security Council should reach agreement on clear and achievable mandates for peace operations based on a common understanding of the conflict. In this respect, mobilization, from the outset, of necessary funding and adequate resources needs to be an integrated part of the Security Council's overall consideration.

Most frequently civilians are caught in circumstances of dire need where a peacekeeping operation has not been established. Such situations may require the urgent attention by the Council. This *aide memoire* may therefore also provide guidance in circumstances where the Council may wish to consider action outside the scope of a peacekeeping operation.

As a practical tool, the *aide memoire* is without prejudice to the provisions of Security Council resolutions and other decisions by the Council. The document can be regularly updated to reflect the latest concerns pertaining to the protection of civilians in armed conflict, including new trends and measures to address them.

PRIMARY OBJECTIVES	ISSUES FOR CONSIDERATION	
Access to Vulnerable Populations		
Facilitate safe and unimpeded access to vulnerable populations as the fundamental prerequisite for humanitarian assistance and protection.	• Appropriate security arrangements (e.g. role of multinational force; safe corridors; protected areas; armed escorts). • Engagement in sustained dialogue with all Parties to the armed conflict. • Facilitate the delivery of humanitarian assistance. • Safety and security of humanitarian and associated personnel. • Compliance with obligations under relevant international humanitarian, human rights law and refugee law.	S/RES/1379(2001), OP5 SRES/1296(2000), OP8, 15 S/RES/1286(2000), OP9 S/RES/1314(2000), OP14 S/RES/1264(1999), OP2 S/RES/1265(1999), OP 4, 7 & 10 S/RES/1270(1999), OP2 S/RES/1272(1999), OP11 S/RES/1279(1999), OP2, 5(a & e) S/PRST/2000/4
Separation of Civilians and Armed Elements		
Maintain the humanitarian and civilian character of camps for refugees and internally displaced persons.	• Ensure cooperation with host State in provision of security measures, including through technical assistance and training. • Provision of external and internal security for camps, including screening procedures to identify armed elements, disarmament measures, assistance from international civilian police and/or military observers. • Regional approach to massive population displacement, including appropriate security arrangements. • Location of camps at a significant distance from international borders and risk zones. • Deployment of multi-disciplinary assessment and security evaluation teams.	S/RES/1296(2000), OP12, 14 S/RES/1286(2000), OP12 S/RES/1279(1999), OP9 S/RES/1270(1999), OP 19 S/RES/1244(1999), OP9, 18 S/RES/1208(1998), OP4 –12
Justice and Reconciliation		
1. Put an end to impunity for those responsible for serious violations of international humanitarian, human rights and criminal law.	• Establishment and use of effective arrangements for investigating and prosecuting serious violations of humanitarian and criminal law, at the local and/or international level (from the outset of the operation). • Cooperation of States for the apprehension and surrender of alleged perpetrators. • Technical assistance to strengthen local capacities for apprehension, investigation, and prosecution of alleged perpetrators.	S/RES/1379(2001), OP9a S/RES/1327(2000), OP I S/RES/1325(2000), OP11 S/RES/1318(2000), OP VI S/RES/1315(2000), OP1-3, 8 S/RES/1314(2000), OP 2, 9 S/RES/1261(1999), OP 3 S/RES/1265(1999), OP4, 6 S/RES/1270(1999), OP17 S/RES/1272(1999), OP16

PRIMARY OBJECTIVES	ISSUES FOR CONSIDERATION	
	• Exclude genocide, crimes against humanity and war crimes from amnesty provisions.	S/RES/955(1994), OP1, 2 S/RES/827(1993), OP1-4
	• Referral of situations, where possible and appropriate, to international tribunals.	
	• Request that troop-contributing States investigate and prosecute, when appropriate, their peacekeepers and security personnel suspected of violating criminal law while in a host State.	
2. Build confidence and enhance stability within the host State by promoting truth and reconciliation.	• Locally adapted arrangements for truth and reconciliation (technical assistance; funding; amnesties for lower level perpetrators).	
	• Measures for restitution and reparations (trust funds; property commissions).	
Security, Law and Order		
Strengthen the capacity of local police and judicial systems to enforce law and order.	• Deployment of international civilian police to assist host State with law enforcement.	S/RES/1378(2001), OP 4, 5 S/RES/1272(1999), OP 2. 3a & c, 13
	• Technical assistance for local police, judiciary and penitentiaries (mentoring; legislative drafting; integration of international personnel).	S/RES/1270(1999), OP14, 23 S/RES/1244(1999), OP11i-j
	• Reconstruction and rehabilitation of institutional infrastructure (salaries; buildings; communications).	
	• Mechanisms for monitoring and reporting of alleged violations of humanitarian, human rights and criminal law.	
Disarmament, Demobilization, Reintegration and Rehabilitation		
Facilitate the stabilization and rehabilitation of communities.	• Programs for disarmament and demobilization of combatants (weapons buy-back; economic and development incentives).	SRES/1379(2001), OP8e S/RES/1376(2001), OP12 S/RES/1366(2001), OP 16 S/RES/1296(2000), OP 16 S/RES/1270(1999), OP 3, 4, 8b & c, 20 S/RES/1265(1999), OP12 S/PRST/2000/10 S/PRST/1999/28
	• Programs for reintegration and rehabilitation of ex-combatants within their communities (community service; counseling services; education/training; family reunification, employment opportunities).	
	• Encourage full participation of armed groups in disarmament, demobilization, reintegration and rehabilitation programs.	

PRIMARY OBJECTIVES	ISSUES FOR CONSIDERATION	
Small Arms and Mine Action		
Facilitate a secure environment for vulnerable populations and humanitarian personnel.	• Mine-action (coordination centers, land-mine clearance; mine awareness training; victim assistance). • Measures to control and reduce the illicit traffic in small arms and light weapons (voluntary moratoria; arms embargoes; regional and sub regional approaches).	S/RES/1318(2000), OP VI S/RES/1296(2000), OP 20, 21 S/RES/1286(2000), OP12 S/RES/1265(1999), OP17 S/RES/1261(999), OP14, 17 S/PRST/1999/28
Training of Security and Peacekeeping Forces		
Ensure adequate sensitization of multinational forces to issues pertaining to the protection of civilians.	• Appropriate training in humanitarian and human rights law, civil-military coordination, negotiation and communication skills, gender and culture sensitization, and the prevention of HIV/AIDS and other communicable diseases.	S/RES/1379(2001), OP10b S/RES/1325(2000), OP6 S/RES/1318(2000), VI S/RES/1308(2000), OP 3 S/RES/1296(2000), OP19 S/RES/1279(1999), OP4 S/RES/1270(1999), OP15 S/RES/1265(1999), OP14
Effects on Women		
Address the specific needs of women for assistance and protection.	• Special measures to protect women and girls from gender based discrimination, violence, rape and other forms of sexual abuse (access to legal redress, crisis centers, shelters, counseling and other assistance programs; monitoring and reporting mechanisms). • Effective measures to disarm, demobilize, reintegrate and rehabilitate women and girl soldiers. • Mainstreaming of gender perspective, including by Integration of gender advisers in peace operations. • Expand the role and contribution of women in United Nations field-based operations (among military observers, civilian police, humanitarian and human rights personnel). • Increased participation of women at all decision-making levels (organization and management of refugee and IDP camps; design and distribution of assistance; rehabilitation policies).	S/RES/1325(2000), OP 1, 4, 5, 8a, 10, 13, 15 S/RES/1314(2000), OP 13, 16e S/RES/1296(2000), OP 9, 10 S/PRST/2001/31

PRIMARY OBJECTIVES	ISSUES FOR CONSIDERATION	
Effects on Children		
Address the specific needs of children for assistance and protection.	• Prevent the recruitment of child soldiers in violation of international law. • Effective measures to disarm, demobilize, reintegrate and rehabilitate child soldiers. • Initiatives, where appropriate, to secure access to war-affected children including, days of immunization, temporary ceasefires and days of tranquility. • Negotiated release of children abducted in situations of armed conflict. • Specific provisions for the protection of children, including where appropriate, the integration of child protection advisers in peace operations. • Family reunification of displaced children. • Provide refugees and internally displaced persons, in particular children, vulnerable to exploitation and abuse with a secure channel for raising complaints and requiring camp leaders to report such abuses, including by staff. • Monitoring and reporting on the situation of children.	S/RES/1379(2001), OP2, 4, 8e, 10c S/RES/1314 (2000), OP 11, 12, 16, 17 S/RES/1296(2000), OP 9, 10 S/RES/1270(1999), OP18, 20 S/RES/1261(1999), OP 2, 3, 8,13, 15, 17a S/PRST/1998/18
Safety and Security of Humanitarian and Associated Personnel		
Ensure the safety and security of humanitarian, United Nations and associated personnel.	• Urge all parties to the conflict to respect the impartiality and neutrality of humanitarian operations. • Ensure a safe and secure environment for humanitarian personnel.	S/RES/1378(2001) OP 2, 5 S/RES/1319(2000), OP 3 S/RES/1296(2000), OP12 S/RES/1270(1999), OP13, 14 S/RES/1265(1999), OP 9 S/PRST/2000/4
Media and Information		
1. Counter occurrences of speech used to incite violence.	• Establishment of media monitoring mechanisms to ensure effective monitoring, reporting and documenting of any incidents, origins and contents that incite "hate media". • Steps in response to media broadcasts inciting genocide, crimes against humanity, and serious violations of international humanitarian law, including, as a last resort, consideration of closing down such media broadcasts.	S/RES/1296(2000), OP17, 18 S/RES/1272(1999), OP 1 S/RES/1353(2001), Annex I, B – OP 10, 11

PRIMARY OBJECTIVES	ISSUES FOR CONSIDERATION	PRECEDENTS
2. Promote and support accurate management of information on the conflict.	• Technical assistance to draft and enforce anti-hate speech legislation. • Establish media coordination centers to facilitate accurate and reliable information management on, and awareness of the conflict. • Establish and assist local and international media and information outlets, in support of peace operations.	
Natural Resources and Armed Conflict		
Address the impact of natural resource exploitation on the protection of civilians.	• Linkages between illicit trade in natural resources and the conduct of the conflict. • Address the direct or indirect import of natural resources where proceeds are used to fuel conflict. • Urge Member States and regional organizations to consider measures against corporate actors, individuals and entities involved in illicit trafficking in violation of relevant Security Council resolutions and the Charter of the United Nations (legislation; penalties for dealers; certification and registration systems; embargoes).	S/RES/1379(2001), OP6 S/RES/1376(2001), OP8 S/RES/1318(2000), OPVI S/RES/1314(2000), OP8 S/RES/1306(2000) OP1, 2, 9,19a
Humanitarian Impact of Sanctions		
Minimize unintended adverse side effects of sanctions on the civilian population.	• Humanitarian exemptions in sanction regimes. • Targeted sanctions (sanctions limited in scope and targeted at specific individuals, groups, or activities). • Relevant assessment and review of humanitarian impact of sanctions, and the behaviour of those targeted by the sanctions.	S/RES/1379(2001), OP7 S/RES/1343(2001) 5,6,7,9,10,13a S/RES/1333(2000), 5, 7,8, 10, 11,12,14,15d & 23 S/RES/1325(2000), OP14 S/RES/1314(2000), OP15 S/RES/1298(2000) OP16 S/RES/1267(1999) OP4 S/RES/1265(1999), OP16 S/PRST/1999/28

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**The Security Council also recognized the relevance of GA/RES/55/2(2000) and GA/RES/46/182(1991) in the broader context of protection of civilians and the root causes of conflicts.